

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOSEPH CIAMPI,	)	Case No.: 09-CV-02655-LHK
	)	
Plaintiff,	)	ORDER DENYING REQUEST FOR
	)	CLARIFICATION
v.	)	
	)	
CITY OF PALO ALTO, a government entity;	)	
LYNNE JOHNSON, an individual; CHIEF	)	
DENNIS BURNS, an individual; OFFICER	)	
KELLY BURGER, an individual; OFFICER	)	
MANUEL TEMORES, an individual; OFFICER	)	
APRIL WAGNER, an individual; AGENT DAN	)	
RYAN; SERGEANT NATASHA POWERS,	)	
individual,	)	
	)	
Defendants.	)	
	)	

Plaintiff has filed a request for clarification of portions of the Court's May 11, 2011 order granting in part and denying in part Defendants' motion for summary judgment. Plaintiff's filing essentially asks the Court to reconsider several determinations made in the May 11, 2011 order. Accordingly, the Court construes Plaintiff's request as a motion for leave to file a motion for reconsideration pursuant to Civil Local Rule 7-9, which governs requests for reconsideration of interlocutory orders.

Civil Local Rule 7-9(b) provides that on a motion for leave to file a motion for reconsideration:

The moving party must specifically show:

(1) That at the time of the motion for leave, a material difference in fact or law exists from that which was presented to the Court before entry of the interlocutory order for which reconsideration is sought. The party also must show that in the exercise of reasonable diligence the party applying for reconsideration did not know such fact or law at the time of the interlocutory order; or

(2) The emergence of new material facts or a change of law occurring after the time of such order; or

(3) A manifest failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court before such interlocutory order.

The Court has carefully reviewed Plaintiff's request and his objections to the Court's order.

However, Plaintiff has not pointed to material facts in the record or legal arguments previously presented that the Court failed to consider or which would change the Court's analysis. Nor has Plaintiff raised new arguments which, through reasonable diligence, could not have been presented earlier. Accordingly, the Court DENIES Plaintiff's request.

**IT IS SO ORDERED.**

Dated: May 20, 2011



LUCY H. KOH  
United States District Judge